IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Appeal No. 886 of 2005
In
Notice of Motion No. 2338 of 2005
In
Suit No. 2157 of 2005

Laldei Dube .. Appellant
(Orig. Deft. No.1)

V/s.

The Santacruz Triveni Co-op.
Housing Society Ltd. & Ors. .. Respondents

Mr. V.A. Thorat, Sr. Counsel with Mr. C.S. Dube for the Appellant

Mr. Ketan Parikh with Ms. S. Srikrishna i/b. M/s. S. Kothari & Co. for the Respondent No. 1

CORAM : DR. S. RADHAKRISHNAN &
S.C. DHARMADHIKARI, JJ.
DATED : 24.10.2005.

P.C.:-

1. Heard the learned Senior Counsel for the Appellant and the learned counsel for the Respondent No. 1.

2. After hearing the parties for some time, both the learned Senior counsel for the Appellant and the learned counsel for the Respondent No. 1, being the Original Plaintiff by consent agree that by way of ad-interim arrangement till the hearing and final disposal of the above Notice of Motion, the Appellant will maintain atleast 6’ (six feet) access as indicated in the photograph tendered by the learned Senior counsel for the Appellant. The said photograph is taken on record. It is directed that the Appellant shall maintain the aforesaid access till the hearing and final disposal of the above Notice of Motion. This

order shall be operative only so far as the Appellant and the Respondent No. 1 is concerned. This order has been passed without prejudice to the rights and contentions of both the parties. Hearing of the Notice of Motion No. 2338 of 2005 is expedited. The Appellant will file his Affidavit in reply within a period of four weeks from today and any rejoinder, within a period of two weeks thereafter. Appeal stands disposed of accordingly.

3. Parties are at liberty to move the learned Single Judge for a fixed date of hearing.

(DR. S. RADHAKRISHNAN, J.)

(S.C. DHARMADHIKARI, J.)